United Nations A/65/295

General Assembly

Distr.: General
13 August 2010

Original: English

Sixty-fifth session
Item 67 (b) of the provisional agenda*
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Assembly resolution 64/148.

* A/65/150.

10-48481 (E) 160910

Please recycle

Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

The present report to the General Assembly is submitted pursuant to Assembly resolution 64/148 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

Following a brief introduction, the Special Rapporteur refers in section II of the report to thematic issues addressed in annual reports, conferences, seminars and other meetings since his last report to the Assembly (A/64/271). Those issues include racism and conflict; incitement to racial or religious hatred; the situation of migrants, refugees and asylum-seekers; the collection of ethnically disaggregated data; and racism and sports. In section III, the Special Rapporteur refers to country visits undertaken within the framework of his mandate. Finally, the Special Rapporteur presents a number of conclusions and recommendations relating to the above-mentioned thematic issues.

Contents

		Page
I.	Introduction	3
II.	Thematic issues addressed by the Special Rapporteur in annual reports, conferences, seminars and other meetings	3
	A. Racism and conflict	3
	B. Incitement to racial or religious hatred	5
	C. Human rights challenges faced by migrants, refugees and asylum-seekers	8
	D. Collection of ethnically disaggregated data	13
	E. Racism and sports	14
III.	Country visits by the Special Rapporteur	15
	A. Mission to the United Arab Emirates	16
	B. Mission to Singapore	17
	C. Forthcoming mission to the Plurinational State of Bolivia	18
IV.	Conclusions and recommendations	18

I. Introduction

1. The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was created by the Commission on Human Rights in its resolution 1993/20 and further refined in its resolution 1994/64. In March 2008, the Human Rights Council reviewed, rationalized and improved the mandate. As a result, the Human Rights Council adopted resolution 7/34, which extended the mandate of the Special Rapporteur for a period of three years and set out the terms of reference in paragraphs 2 and 3 of the resolution.

2. The present report is submitted pursuant to General Assembly resolution 64/148 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

3. In the present report, the Special Rapporteur gives an overview of the activities carried out under the mandate since the submission of his previous report to the Assembly (A/64/271). Section II is devoted to thematic issues addressed by the Special Rapporteur in annual reports, conferences, seminars and other meetings. Those issues include racism and conflict; incitement to racial or religious hatred; the situation of migrants, refugees and asylum-seekers; the collection of ethnically disaggregated data; and racism and sports. In section III, the Special Rapporteur refers to country visits undertaken in the framework of his mandate. Finally, the Special Rapporteur presents a number of conclusions and recommendations relating to the above-mentioned thematic issues.

II. Thematic issues addressed by the Special Rapporteur in annual reports, conferences, seminars and other meetings

A. Racism and conflict

4. In his annual report submitted at the fourteenth session of the Human Rights Council (A/HRC/14/43), the Special Rapporteur examined how conflict and racism, racial discrimination, xenophobia and related intolerance interrelate. As stated in the Durban Declaration and Programme of Action, racism, racial discrimination, xenophobia and related intolerance are among the root causes of many internal and international conflicts and are also very often one of its consequences.[1]

5. To prevent the eruption of a conflict, the Special Rapporteur emphasized the need to identify early warning signs that help to recognize situations which might lead to conflict. In a manner complementary to the tools developed by the Committee on the Elimination of Racial Discrimination and the Special Adviser on the Prevention of Genocide, the Special Rapporteur called upon all stakeholders to give due attention to certain issues, such as the way in which the concept of so-called "national identity" is debated within a given country, the presence of socio-economic discrimination against members of specific groups of the population, as well as political manipulation of racist or nationalist ideology. Indeed, those issues, if dealt with in an inappropriate manner, might contribute to

[1] See A/CONF.189/12 and Corr.1, chap. I, preamble and para. 20.

tensions, and eventually to conflict. The Special Rapporteur therefore recommended that debates surrounding the concept of national identity not be used as a tool to create artificial differences between some groups of the population, and that they take into account the multiplicity of identities of each individual, so as to avoid the trap of defining identity exclusively on the grounds of ethnicity or nationality. He also recommended that States take all necessary measures, including through affirmative action, to prevent, prohibit, sanction and offer compensation for socio-economic discriminatory practices targeting certain groups of individuals. With regard to political manipulation of racist or nationalist ideology, the Special Rapporteur recommended that an effective response thereto must follow a comprehensive approach, taking into account all structural conditions which enabled such manipulation to affect mindsets and attitudes within society.

6. In his report, the Special Rapporteur also addressed the question of hate speech as a factor that contributes to the exacerbation of a conflict. Relying on the dehumanization of the other, hate speech may become an effective tool in times of conflict to incite people to commit acts of violence, including killings, against specific individuals or groups of individuals. Hence, the Special Rapporteur recommended that States fully comply with their international obligations, in particular with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the International Covenant on Civil and Political Rights, and he recalled that such obligations remain applicable in times of conflict.

7. In the context of post-conflict situations, the Special Rapporteur affirmed in his report that it is essential to ensure that the root causes of a conflict are appropriately addressed to avoid the resurgence of tensions and violence. He emphasized that this is of particular importance in the aftermath of internal conflicts, where people who have fought against each other continue living together. Peace agreements and peacekeeping missions play a key role in addressing the root causes of a conflict, including those related to racism, racial discrimination, xenophobia and related intolerance. In that regard, he referred to several examples of good practices and emphasized several elements that are essential to ensure the success of a peace process.

8. Concluding that racism may lead to genocide, war crimes, ethnic cleansing and crimes against humanity, in particular in the context of conflicts, the Special Rapporteur emphasized the State's primary responsibility to protect its population. He, however, recalled that the responsibility to protect is also an obligation of the international community. Indeed, the international community, including the United Nations, has the duty to provide assistance to the State when requested; nevertheless, it also has the obligation to act in cases where the State fails or refuses to protect its population.

9. On 15 June 2010, the Special Rapporteur addressed the issue of racism and conflict in a joint press release[2] concerning ethnic violence, which had claimed hundreds of lives and left many hundreds more injured in Kyrgyzstan. Expressing alarm and deep concern about the outbreak of violence between ethnic Kyrgyz and ethnic Uzbeks, the Special Rapporteur called upon the provisional government to

[2] Available from http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10152&LangID=E.

put a stop to the violence and prevent its further escalation or spreading to other areas of the country. He recalled that the security of those from all ethnic groups, including all minorities in Kyrgyzstan, had to be protected. Moreover, the true causes of the tensions had to be fully analysed and addressed to help ensure that such events could not happen again. The Special Rapporteur emphasized that it was essential to quickly establish the rule of law and to establish long-term measures to promote dialogue and improve relations between ethnic groups. He stressed that respect for minority rights, the principle of non-discrimination and the rule of law were all key components of long-term stability and conflict prevention.

B. Incitement to racial or religious hatred

10. Since his previous report to the General Assembly (A/64/271), the question of incitement to racial or religious hatred has been raised by the Special Rapporteur on several occasions, including in a report and in a public statement, which are summarized below.

11. At the fifteenth session of the Human Rights Council, the Special Rapporteur submitted, pursuant to Council resolution 13/16, a report on the manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, for the enjoyment of all rights by their followers (A/HRC/15/53). The Special Rapporteur recalled that the report had to be read in conjunction with the first report he submitted (A/HRC/12/38), at the twelfth session of the Human Rights Council.

12. While the first report focused on the legal and conceptual questions concerning the debate on defamation of religions and incitement to racial or religious hatred, in his second report the Special Rapporteur referred to worldwide incidents relating to issues raised in Council resolution 13/16, which were brought to his attention. Such incidents appeared to fall under five broad and non-exhaustive categories warranting different approaches under international human rights law. The categories include acts of violence or discrimination, or incitement thereto, against individuals on the basis of their religion or belief; attacks on religious sites; religious and ethnic profiling; bans or restrictions on religious symbols; and negative stereotyping of religions, their followers and sacred persons. For each of the above-mentioned categories, the Special Rapporteur presented observations pertaining to relevant and applicable international human rights law, which provides sufficient tools to respond to all the cases received.

13. As such, the Special Rapporteur strongly condemns all acts of violence or discrimination, or incitement thereto, against persons based on their religion or belief. He recalls that such acts are clearly prohibited in international law. With regard to incitement, more particularly, he calls upon States to take all necessary measures to implement article 20 of the International Covenant on Civil and Political Rights.

14. The Special Rapporteur also strongly condemns attacks on religious sites. He recalls that places of worship are an essential element of the manifestation of the right to freedom of religion or belief which is protected by international human rights law and therefore calls upon States to abide by relevant international human rights standards.

15. Expressing deep concerns at reports of discriminatory profiling targeting specific groups of the population based on their perceived ethnic or religious background, the Special Rapporteur calls upon States not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds.

16. With regard to bans or restrictions on religious symbols, such as minarets, the Islamic veil and the full head-to-toe niqab, the Special Rapporteur acknowledges that it is a delicate question, since it raises several issues in terms of human rights. In respect of the legality of the restrictions, the Special Rapporteur takes the view that it is up to an independent and impartial judiciary to assess on a case-by-case basis whether they run counter to, inter alia, the freedom to manifest one's religion or belief, the freedom of expression and the principle of non-discrimination. In particular, when debating the wearing of the niqab, he also deems it necessary to take into account security concerns and the principle of equality between men and women, as well as the individual's freedom to wear or not to wear religious symbols. Nonetheless, the Special Rapporteur expresses concerns vis-à-vis the recent controversial debates around the construction of minarets and the wearing of religious symbols, which demonstrate the fears among the population towards a single religion. In that regard, he deeply deplores the numerous political campaigns which have relied on those fears for political gain, and he strongly encourages moderate voices to be more prominent and vocal, in order to counter those political campaigns with rational arguments, including those based on human rights.

17. The Special Rapporteur regrets reports of stereotyping, which does not contribute to the creation of an environment conducive to constructive and peaceful dialogue among communities. Nonetheless, he recalls that peaceful expressions of opinions and ideas should always be tolerated, as long as they do not fall under the restrictions in articles 19 and 20 of the International Covenant on Civil and Political Rights.

18. In his report, the Special Rapporteur distinguishes between the stereotyping of religions on the one hand and of religious followers or sacred persons on the other, since those instances should be treated differently from a human rights perspective. With regard to stereotyping of religious followers and of sacred persons, he recalls that the right to freedom of expression may be restricted in order to protect, inter alia, the rights or reputations of others. However, the Special Rapporteur believes that a very high threshold should be met and that defamatory expressions targeting individuals must have been proven false before they warrant restrictions and sanctions thereon. Moreover, he recommends that sanctions be of a civil nature only, so as not to have a chilling effect on the right to freedom of expression. Concerning stereotyping of religions, the Special Rapporteur recalls that vigorously interrogating and criticizing religious doctrines and their teachings is thoroughly legitimate and constitutes a significant part of the exercise of the right to freedom of opinion or expression. Domestic blasphemy laws aiming to protect religions per se can therefore prove counterproductive since they could result in de facto censure of robust examination of religious doctrines and teachings and of inter- and intra-religious criticism. Consequently, the Special Rapporteur encourages States to move away from the notion of defamation of religions and towards the legal concept of advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence, in order to anchor the debate in the relevant existing

international legal framework, in particular, in that provided by the International Covenant on Civil and Political Rights.

19. In conclusion, the Special Rapporteur affirmed that advocacy of racial or religious hatred is an external manifestation of something much more profound, which is intolerance and bigotry. While States have often relied on legislative responses to the advocacy of racial or religious hatred, the Special Rapporteur expressed the view that such responses are far from being sufficient to bring about real changes in mindsets, perceptions and discourse. Indeed, tackling the root causes of manifestations of religious intolerance affecting an individual's human rights requires a much broader set of policy measures, for example, in the areas of education, awareness-raising and interreligious and intercultural dialogue. The Special Rapporteur therefore strongly recommended in his report that States put a strong emphasis on a broad range of preventive measures which aim at fostering a peaceful society in which, inter alia, freedom of expression and freedom of religion or belief may be fully exercised by all individuals.

20. On 14 October 2009, the Special Rapporteur participated in an expert seminar on strengthening cooperation between the European Union and the United Nations in the struggle against all forms of discrimination, organized by the European Union and the Office of the United Nations High Commissioner for Human Rights, in Brussels.[3] On that occasion, the Special Rapporteur was requested to speak on intolerance and discrimination against Arabs and Muslims.

21. As a United Nations expert on racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur recalled that discrimination targeting Muslims falls within his mandate when linked to discrimination on the ground of ethnic origin. There is a definite correlation between ethnicity and religious affiliation. In that regard, he mentioned that the Committee on the Elimination of Racial Discrimination had also come to that conclusion by referring to the intersectionality between race and religion. Thus, the Committee addresses issues of religious discrimination when linked to racial discrimination.

22. In Europe, people of Arab origin are often associated with Islam. The Special Rapporteur stated that it was therefore often very difficult to address cases of racial or religious discrimination as they relate to Arabs and Muslims separately. The European Union Agency for Fundamental Rights conclusively documented that cases of discrimination and violence affecting Arabs and Muslims were complicated by the fact that they were invariably linked with multiple forms of discrimination based on ethnic origin, religion and gender. The Special Rapporteur stressed that it was, therefore, essential to adopt a comprehensive approach towards those acts.

23. While there is evidence that most countries in Europe are aware of the magnitude of the problem and are committed to addressing it, the Special Rapporteur emphasized that the intolerance and discrimination experienced by Muslims and Arabs in the European Union remain a major human rights issue. In that regard, he strongly deplored acts of violence against individuals on the basis of their ethnic origin or religious affiliation. He stated that one could not remain silent when a woman was killed in a court room where she had gone to vindicate her rights against discrimination as a Muslim, when places of worship or cultural centres were

[3] Available from http://www2.ohchr.org/english/issues/racism/rapporteur/docs/SpeechBrussels141009.pdf.

attacked, when a young man could not find a job because he was of Arab origin or when a child was attacked at school for the same reason. The Special Rapporteur therefore called upon States to take all necessary and appropriate measures to investigate those acts as well as prosecute and sanction the perpetrators in accordance with international human rights law. He stressed that not a single act of racism or discrimination towards Arabs and Muslims should be tolerated and that more should be done to collect data on hate crimes, including those affecting Arabs and Muslims. Precise data is needed to ensure an appropriate and determined response.

24. The Special Rapporteur insisted that outreach measures and education tools be further developed. The main objective should be to ensure meaningful participation of all in public life so as to foster social integration. When needed, special or positive measures should be considered to ensure full equality. Emphasis was also put on the need to adopt a victim-oriented approach, so as to ensure that actions undertaken truly provide concrete responses to the needs of those experiencing racism and discrimination. All victims should receive the same attention and protection. It is essential to avoid establishing any hierarchy among the different manifestations of discrimination, even if they may vary in nature and degree depending on the historical, geographical and cultural context. All forms of racism and discrimination should therefore be addressed with the same emphasis and the same determination.

C. Human rights challenges faced by migrants, refugees and asylum-seekers

25. Since his last report to the General Assembly (A/64/271), the question of the human rights challenges faced by migrants, refugees and asylum-seekers has been raised by the Special Rapporteur on various occasions, including through participation in conferences and meetings, as well as through press releases and in the context of country missions (see section III for a consideration of the missions to the United Arab Emirates and Singapore).

26. In Lisbon on 1 June 2010, the Special Rapporteur delivered a statement on racism and xenophobia affecting migrants[4] at a conference on human rights and migrants organized by the Council of Europe, the Government of Portugal and the Office of the United Nations High Commissioner for Human Rights.

27. On that occasion, the Special Rapporteur recalled that migration was one of the most challenging issues of the 21st century. He stressed that people tend to migrate more and more for economic, political or humanitarian reasons, including poverty, conflicts and environmental degradation. Increased migration flows have profoundly affected societies, which are becoming more diverse in all aspects. Whereas in most cases many societies and States used to be anchored in monocultural identities, the Special Rapporteur stated that they are now confronted with the challenge of, and opportunity for, accommodating peoples of different ethnic origins, cultures, religions or languages within the same territory.

28. While acknowledging that the term "migrants" encompasses a very diverse population, the Special Rapporteur focused his statement on the migrants who are

[4] Available from http://www2.ohchr.org/english/issues/racism/docs/Lisbon_speech.pdf.

the most vulnerable. Having departed from their countries of origin, these migrants encounter several obstacles owing to differences in language, customs and culture, a lack of awareness of their rights, and economic and social difficulties. As a result, migrants are particularly exposed to human rights violations and abuse, including racial discrimination and xenophobia.

29. Despite the growing recognition that migration is an essential and inevitable component of the economic and social life of every State, and that orderly and properly managed migration can be beneficial for both individuals and society as a whole, the Special Rapporteur noted with regret the deeply marked tendencies to characterize migration as a problem and threat to the cohesion of a given society, national identity or security. In that context, he stated that some political parties had been particularly efficient at manipulating and fostering xenophobic feelings among the population for political gain.

30. Referring to the recent tragic events of xenophobic violence targeting migrants in Italy (see paras. 37-38) and in South Africa,[5] the Special Rapporteur pointed out that migrants are easy targets for manifestations of racism and xenophobia. He stressed that irregular migrants, considered as criminals by some States, are even more vulnerable. Owing to their lack of legal status and their reluctance to access justice or liaise with any authority, irregular migrants are placed at considerable risk of abuse, discrimination and xenophobic attacks, some of which may be fatal. Moreover, irregular migrants will in most cases not report such incidents to the police; they will not seek any kind of redress, and remain hidden in order not to be deported.

31. The Special Rapporteur strongly reaffirmed that migrants, like any other human beings, regardless of their migration status, are entitled to have their human rights protected by the State where they reside. Both regular and irregular migrants should therefore enjoy, inter alia, freedom of expression or association; freedom from racial discrimination in the areas of education or health; the right to equal treatment before the tribunals and all other organs administering justice; and a guarantee of their physical integrity by the State concerned.

32. While acknowledging the sovereign right of each State to formulate and apply its own legal framework and policies for migration, the Special Rapporteur recalled that those policies must be consistent with applicable international human rights instruments, norms and standards, and designed in a way to ensure that they are free from racism and xenophobia. In that regard, he referred to the relevant provisions of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, which strongly condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants.

33. Faced with rising xenophobic fears and unease among their populations, States have in the last decade responded to growing migration flows with greater control at their borders and stricter immigration policies. The Special Rapporteur, however, stated that, in the long run, finding the means to create conditions conducive to greater harmony, tolerance and respect between migrants and the rest of society would prove more beneficial to all stakeholders than the implementation of stricter immigration policies. While the means to do so may vary, the Special Rapporteur emphasized that it is necessary to give prominence to migration policies which are

[5] See A/HRC/14/43/Add.1, paras. 117-131.

human rights-compliant. He also highlighted the critical role of awareness-raising and education to create societies which are tolerant and harmonious, ensuring mutual respect for all.

34. While education demands long-term investment by States, the benefits clearly outweigh any costs. Societies that live in harmony and enjoy prosperity as a result certainly reap higher dividends than those in turmoil and conflict. The Special Rapporteur therefore pointed out that States need to educate their own population to emphasize that migrants do not represent a threat to national identity or security, but that they contribute in a positive manner to the socio-economic development of the country. It is, however, also important for States to provide relevant training and information to migrants so that they are aware of their rights and the ways to access the mechanisms that will guarantee their protection, as well as to make them aware of the societies in which they reside.

35. Finally, the Special Rapporteur recalled that civil society organizations at large, international and regional organizations should also take part in the broad efforts to combat negative stereotypes of, and discrimination against, migrants, and to promote understanding and tolerance. It is only through common approaches, coordinated strategies and joint initiatives that migrants will be offered enhanced protection against racism and xenophobia.

36. The situation of migrants was also raised by the Special Rapporteur in two joint press releases on the events in Rosarno, Italy,[6] and on the immigration law in Arizona (United States of America).[7]

37. On 12 January 2010, following two days of unrest during which at least 53 people were injured, the Special Rapporteur urged the Italian authorities to take all necessary measures to curb the growing xenophobic attitude towards migrant workers, which had led to the tragic events in the city of Rosarno. He stressed that violence, whether perpetrated by Italians or by migrant workers, had to be addressed in the most vigorous manner through the rule of law and that human rights should always be protected, regardless of immigration status.

38. In the Special Rapporteur's view, the violence that erupted in Rosarno was extremely worrying since it revealed serious and deep-rooted problems of racism against migrant workers. He called upon the Italian authorities to show their firm commitment to creating a safe and peaceful environment for all, including by finding ways to improve the very poor living and working conditions of migrant workers. He also urged the authorities to implement an immigration policy in full conformity with international human rights standards. While welcoming the initial steps taken by the authorities to enquire into the events, the Special Rapporteur stressed that it was more urgent than ever for the Italian authorities to strengthen their anti-racism activities and provide human rights education, as well as to swiftly denounce hate speech and prosecute the racist and violent actions perpetrated by some individuals.

39. On 10 May 2010, the Special Rapporteur expressed serious concern over an immigration law that may allow for police action targeting individuals on the basis

[6] Available from http://www2.ohchr.org/english/issues/racism/docs/PR_Italy_12January2010.pdf.

[7] Available from http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10035&LangID=E.

of their perceived ethnic origin. He stated that it was part of a disturbing pattern of legislative activity hostile to immigrants.

40. The Special Rapporteur underlined that the Arizona immigration law required State law enforcement officers to determine the immigration status of individuals based just on a "reasonable suspicion" that they were in the country illegally, and to arrest a person, without a warrant, if the officer had "probable cause" to believe the person was an illegal alien. The law also makes it a crime to be in the country illegally and dictates that undocumented persons are guilty of trespassing. The immigration law specifically targets day labourers, making it a crime for an undocumented migrant to solicit work, and for any person to hire or seek to hire an undocumented migrant. The Special Rapporteur noted that the law may lead to detaining and subjecting to interrogation persons primarily on the basis of their perceived ethnic characteristics. As such, in Arizona, persons who appear to be of Mexican, Latin American, or indigenous origin are especially at risk of being targeted under the law. Expressing concern about the sweeping language of Arizona's immigration law, which raises serious doubts about the law's compatibility with relevant international human rights treaties to which the United States is a party, the Special Rapporteur stressed that all States were required to respect and ensure the human rights of all persons subject to their jurisdiction, without discrimination.

41. While recognizing the prerogatives of States to control immigration and to take appropriate measures to protect their borders, the Special Rapporteur nonetheless emphasized that such actions had to be taken in accordance with fundamental principles of non-discrimination and humane treatment. He therefore urged the State of Arizona and the Government of the United States to take all necessary measures to ensure that the immigration law was in line with international human rights standards, and to devise and carry out any mechanism to control migration with due regard for the right of individuals to be free from discrimination.

42. On 30 June 2010, the Special Rapporteur addressed the specific situation of refugees and asylum-seekers in a statement delivered at a session on xenophobia organized within the framework of the Office of the United Nations High Commissioner for Refugees annual consultations with non-governmental organizations in Geneva, Switzerland.[8]

43. On that occasion, the Special Rapporteur recalled that refugees and asylum-seekers are among the most vulnerable groups of people. Refugees and asylum-seekers flee from their country to avoid armed conflicts, natural disasters and human rights violations, including racism, racial discrimination, xenophobia and related intolerance. In that regard, the 2001 Durban Declaration recognized with concern that those scourges contributed to forced displacement and the movement of people from their countries of origin as refugees and asylum-seekers.[9]

44. Once in host countries, refugees and asylum-seekers often face further major human rights challenges, including racism and xenophobia. For instance, they may encounter racial discrimination in the enjoyment of their civil, cultural, economic, political and social rights, notably in the areas of education, health, housing,

[8] Available from http://www2.ohchr.org/english/issues/racism/rapporteur/docs/SR_Racism_UNHCR_Session_Xenophobia_30_06_2010.pdf

[9] A/CONF.189/12 and Corr.1, chap. I, para. 52.

employment, access to social benefits and access to justice. They may also be easy targets of hate crimes, including xenophobic violence, attacks and killings. Hate speech and racist discourse against refugees and asylum-seekers by politicians are also of concern, especially during election campaigns. As such, the Special Rapporteur emphasized that much remained to be done to protect refugees and asylum-seekers. In that regard, he made a few recommendations.

45. For instance, the Special Rapporteur urged States to ratify the relevant international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. He also encouraged States to take the necessary measures to implement fully the Durban Declaration and Programme of Action, as well as the outcome document of the Durban Review Conference, which also addresses the situation of refugees and asylum-seekers.

46. At the national level, the Special Rapporteur recommended that States adopt specific legislative provisions that define and prohibit racism, racial discrimination, xenophobia and related intolerance. He also recommended that States regularly revise relevant legislation, in particular when there are discriminatory provisions vis-à-vis refugees and asylum-seekers or when legislation does not provide sufficient protection against racist or xenophobic attacks. In that regard, he stressed that offences committed with a racist motivation or aim should be considered as aggravating circumstances leading to more severe punishment.

47. The Special Rapporteur emphasized the need for legislation to be complemented with protection measures which ensure that refugees and asylum-seekers are guaranteed effective access to legal remedies and are able to obtain adequate reparation for any damage suffered as a result of racism and xenophobic behaviour. As such, claims brought by refugees and asylum-seekers must be investigated without discrimination and those responsible brought to justice. In that regard, the collection of ethnically disaggregated data relating to racist incidents against refugees and asylum is an essential tool to understand the nature and extent of racism and xenophobia, to assess and monitor the effectiveness of the measures taken, and to design appropriate and effective anti-discrimination legislation, policies and programmes.

48. The Special Rapporteur also recommended that national human rights institutions be fully involved in the anti-racism strategy and that they be provided with a clear mandate to receive, investigate and address complaints of racial discrimination by all individuals, including refugees and asylum-seekers.

49. With regard to awareness-raising measures, the Special Rapporteur recommended that human rights training, including those with a focus on the situation of refugees and asylum-seekers, be provided to law enforcement officials, especially immigration officials and borders police. He also put emphasis on human rights education at all levels and all ages, which contributes to addressing the root causes of negative stereotypes, racism and xenophobia and to promoting intercultural understanding.

50. The Special Rapporteur stated that any strategy would lack efficiency without the full involvement of all relevant actors, including the Office of the United Nations High Commissioner for Refugees and refugees, civil society and asylum-seekers themselves. States must provide adequate support to all civil society actors

and involve them closely in the elaboration and implementation of policies and programmes designed to combat racism.

D. Collection of ethnically disaggregated data

51. The collection of ethnically disaggregated data is an issue which has been raised on several occasions by the Special Rapporteur since he was appointed in August 2008. For instance, he addressed this issue in his report submitted to the eleventh session of the Human Rights Council (see A/HRC/11/36, paras. 20-27). The issue was also the subject of a written contribution made in the context of a seminar on data collection and the use of indicators to promote and monitor racial equality and non-discrimination, which was organized by the Office of the United Nations High Commissioner for Human Rights from 3-5 May 2010, in Rio de Janeiro, Brazil.[10]

52. In his contribution, the Special Rapporteur recalled that the collection of ethnically disaggregated data and indicators was a key prerequisite of any action aimed at tackling the socio-economic vulnerability of persons belonging to ethnic or national minorities. He emphasized that it was an essential tool to identify the persons and groups affected by racial discrimination and to better understand the nature and extent of the inequalities they face. Such data are then important to design appropriate and effective anti-discrimination legislation, policies and programmes that take into consideration the situation of vulnerability of certain individuals and groups of individuals. In some situations, ethnically disaggregated data and indicators are a precondition for the recognition of the existence of certain groups within a country. Moreover, the Special Rapporteur stressed that such data and indicators also allow States to assess and monitor the effectiveness of the measures taken.

53. Nonetheless, the Special Rapporteur stated that he was aware of the reluctance by many States to collect ethnically disaggregated data. In that regard, he highlighted concerns of States relating to the fact that the collection of such data may aggravate tensions between individuals and groups of individuals by exacerbating differences; lead to further prejudice and stereotypes concerning certain groups of individuals; or be misused for racist and exclusionary policies. In addition, collection of this type of data may conflict with individuals' human rights and fundamental freedoms, in particular the right to privacy and the protection of personal data.

54. While acknowledging the above-mentioned potential risks and dangers that the collection of ethnically disaggregated data may entail, the Special Rapporteur takes the view that those problems may be overcome if States abide by some key principles, including self-identification, the right to privacy and protection of personal data, and the involvement of relevant stakeholders.

55. In line with general recommendation VIII of the Committee on the Elimination of Racial Discrimination, self-identification should constitute a pillar of the collection of ethnically disaggregated data. It is related to respect for the rights of individuals to assert their own identity. While implementing this principle may lead

[10] Available from http://www2.ohchr.org/english/issues/racism/rapporteur/docs/Contribution_ethnically_disaggregated_data_BrazilMay2010.pdf.

to underreporting and inaccurate data, it is based on the important notion that the State should not impose an identity on the individual. Concerning privacy, the Special Rapporteur stressed that ethnically disaggregated data should always be collected with the explicit consent of the concerned individuals and take into account data protection regulations and privacy guarantees. On the principle of involvement, the Special Rapporteur emphasized the need to consult all concerned groups in all stages of the exercise, including design and implementation. Such involvement would help to build confidence between the authorities and the concerned groups and would also lead to better survey design. Moreover, involvement should also be understood as providing the right to members of vulnerable groups to be informed about the results of data collection and about the effectiveness of the anti-discrimination legislation, policies and programmes in place.

56. The Special Rapporteur made a number of recommendations related to the collection of ethnically disaggregated data. Among others, he recommended that States collect these data and indicators to design legislation, policies, programmes and other measures aiming at promoting equality and eliminating racial discrimination and that States use such data to assess and monitor the effectiveness of the measures taken and to review them in case of disproportionate effect on certain ethnic groups. In doing so, the Special Rapporteur called upon States to respect the principles of privacy, self-identification and involvement of all communities. He also recommended that ethnically disaggregated data be used in legal proceedings as evidence for proving discrimination and that adequate human and financial resources be provided by States to establish or strengthen national institutions which collect, analyse, and disseminate reliable ethnically disaggregated data and indicators.

E. Racism and sports

57. The issue of racism and sports was addressed by the Special Rapporteur at an event commemorating the International Day on the Elimination of Racial Discrimination, which was organized by the Office of the United Nations High Commissioner for Human Rights on 19 March 2010, in Geneva, Switzerland.[11]

58. On that occasion, the Special Rapporteur recalled that fighting racism requires more than the enactment of anti-discrimination laws; overcoming racism also requires addressing public and private attitudes which comfort, justify and perpetuate racism at all levels and in all areas of life. To that effect, he stressed that approaches which have the ability to get the message across in a simple and powerful manner are more than ever necessary to encourage as many people as possible to engage in this fight. In the context of the year 2010, which has been marked by mass sports events followed by a large public audience, the Special Rapporteur stated that promoting the message of tolerance and non-discrimination through sport may constitute one of the approaches needed.

59. As recognized by the General Assembly, sport has the potential to contribute to an atmosphere of tolerance and understanding. While relying on the concepts of

[11] Available from http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9928&LangID=E.

competition and rivalry, sport also stands for human values such as respect, justice, universality, cooperation and solidarity. By bringing together individuals from a great variety of horizons, sport is an inspirational means to promote peace, social cohesion, integration, inclusivity, as well as diversity.

60. Referring to Human Rights Council resolution 13/27 on a world of sports free from racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur underlined the potential of sport as a means to combat racism and discrimination. Similarly to schools, which are one of the most efficient tools to create a cohesive and tolerant society, he stated that sport was also an effective means for both youth and adults to learn and experience for themselves how individuals from diverse ethnic, national or religious backgrounds can interact in a harmonious manner.

61. On a wider scale, the Special Rapporteur recalled that mass sports events offer valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination. In that regard, he referred to the charters or statutes of the International Olympic Committee, the Fédération internationale de football association and the Commonwealth Games Federation, which all include the principle of non-discrimination.

62. Nonetheless, the Special Rapporteur emphasized that sport cannot constitute a cure-all for racism and discrimination. As a reflection of the society from which it originates, sport also has its shortcomings and contradictions. In that regard, he referred to the negative side effects of sport, such as violence, discrimination and aggressive nationalism, and pointed out specific examples of racism and racial discrimination that had occurred within the world of sports.

63. The Special Rapporteur stated that the fight against racism was as relevant at the present time as it had ever been in the past, and highlighted that it was necessary to ensure that every single tool was used to fight this scourge, including mass sport events, and to demonstrate and convince everyone that integration, tolerance, mutual respect and diversity were real assets that may lead a team to victory.

III. Country visits by the Special Rapporteur

64. Country visits constitute an important opportunity for the Special Rapporteur to gather, request, receive and exchange information and communications with all relevant sources, on all issues and alleged violations falling within the purview of his mandate, and to investigate and make concrete recommendations, to be implemented at the national, regional and international levels, with a view to preventing and eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, in accordance with the mandate entrusted to him by the Human Rights Council in resolution 7/34.

65. Following his appointment in August 2008, the Special Rapporteur sent formal requests to visit Bangladesh, the Plurinational State of Bolivia, Bosnia and Herzegovina, Germany, India, Israel, Malaysia, Mexico, Nepal, Serbia, Singapore, South Africa, the Sudan and the United Arab Emirates. Since his appointment, the Special Rapporteur has been able to undertake country visits to Germany, the United Arab Emirates and Singapore. He would like to acknowledge the letters of invitation extended to him by Belarus, Bosnia and Herzegovina and Croatia. While he has not

yet been able to honour those invitations, the Special Rapporteur hopes that he will be able to do so in the near future.

66. In the following paragraphs, the Special Rapporteur would like to inform the General Assembly of the visits carried out to the United Arab Emirates and Singapore, as well as his forthcoming visit to the Plurinational State of Bolivia.

A. Mission to the United Arab Emirates

67. The Special Rapporteur visited the United Arab Emirates from 4 to 8 October 2009 at the invitation of the Government. He would like to express his sincere gratitude to the Government for its cooperation and openness throughout the visit. The report on the visit was submitted to the Human Rights Council at its fourteenth session (A/HRC/14/43/Add.3).

68. At the end of his visit, the Special Rapporteur concluded that the United Arab Emirates is a unique country where non-nationals represent the vast majority of the population and where nationals are a minority in their own country. In recent decades, the influx of foreign workers, which has significantly contributed to the building of the country, has also created tremendous challenges for the people of the United Arab Emirates, in terms of national identity, social integration and capacity for absorption.

69. While the Government has taken commendable initiatives in recent years to address some of the numerous challenges, the Special Rapporteur recalled that much remains to be done in terms of legislation, policies and their effective implementation, as well as in terms of human rights education.

70. In his report, the Special Rapporteur raised issues relating to the definition of national identity for the United Arab Emirates and the granting of citizenship; the living and working conditions of construction and domestic workers; the vulnerable situation of stateless persons; human trafficking; educational policy; and the legal and institutional human rights framework to fight racism. For each set of issues, he made specific recommendations.

71. For instance, the Special Rapporteur recommended the holding of a public debate on the question of the definition of national identity. He also recommended that valid citizenship applications by individuals who have lawfully lived in the country for a certain period of time be reviewed and processed by the authorities in a non-discriminatory manner. In the context of the global economic crisis, the Special Rapporteur also urged the Government to take necessary steps, including legislative ones, to address issues relating to, inter alia, the severe risk of exploitation of unskilled foreign workers under the sponsorship system; the confiscation of their passports; the prohibition to constitute trade unions; and their contracted debts with labour recruitment agencies. In regard to the situation of stateless individuals, the Special Rapporteur recommended that priority be given to finding a definitive and equitable solution to ensure that they have adequate access to health, education, social services and employment, and that they receive non-discriminatory treatment with regard to administrative procedures and the administration of justice. The question of education was also raised, and the Special Rapporteur recommended that the Government reconsider its present educational

policy, so as to ensure that public education institutions are de facto open to all children, including non-nationals.

B. Mission to Singapore

72. The Special Rapporteur visited Singapore from 21 to 28 April 2010. He would like to express his sincere gratitude to the Government of Singapore for its full cooperation and openness in the preparation and conduct of his visit. A detailed report containing the observations and conclusions of the Special Rapporteur on the visit will be submitted to the Human Rights Council at its seventeenth session, in 2011.

73. At the press conference held in Singapore on 28 April 2010,[12] the Special Rapporteur emphasized that Singapore was rightly proud of its richly diverse society where individuals from a wide range of backgrounds manage to cohabit and interact with each other on a small portion of territory.

74. Owing to the historical legacy of ethnic and religious tensions, the Government is acutely aware of the threats posed by racism, racial discrimination, xenophobia and related intolerance. In that regard, the authorities have endeavoured to put in place laws, policies and institutions that seek to combat those scourges and to continuously promote social cohesion, religious tolerance and what they refer to as racial harmony.

75. While most of those measures are widely appreciated by all sectors of the society, the Special Rapporteur noted that the legitimate goal of searching for racial harmony may have created blind spots in the measures pursued by the Government. In that regard, the Special Rapporteur raised issues relating to restrictions on freedom of expression and assembly, the significance of ethnic identity within Singaporean society and the situation in the areas of housing, education, employment, as well as human rights issues concerning migrant workers. For each set of issues, he highlighted a number of recommendations.

76. For instance, the Special Rapporteur recommended that the Government remove legislative provisions which unduly restrict the rights to freedom of expression and assembly and prevent Singaporeans from holding open and fruitful public debate on matters of ethnicity. He also recommended that the authorities remove the indication of one's ethnic background from identification documents, so as not to perpetuate the ethnic categorization of Singaporeans. In the area of education, the Special Rapporteur recommended that the Government consider making small adjustments to the public education system, for instance, with special temporary programmes, to allow Malay students to catch up with their Chinese counterparts. In respect of employment, the Special Rapporteur recommended that the Government urgently review all laws, regulations, guidelines, policies and practices which may prevent employment of members of ethnic minority groups in institutions that ought to reflect the diversity of Singapore. The Special Rapporteur also recommended that the Government act swiftly to ensure the protection of the human rights of migrant workers, as this is one area where the situation is quite dire. Finally, he urged the Government to accede to international human rights

[12] Available from http://www2.ohchr.org/english/issues/racism/rapporteur/docs/StatementVisitSingapore.pdf.

instruments that contain provisions reaffirming the fundamental human rights principles of non-discrimination and equality.

C. Forthcoming mission to the Plurinational State of Bolivia

77. The Special Rapporteur would like to thank the Government of the Plurinational State of Bolivia, which has agreed to invite the Special Rapporteur for a country visit before the end of 2010. The Special Rapporteur is very much looking forward to engaging in a constructive dialogue with the authorities on all matters related to racism, racial discrimination, xenophobia and related intolerance.

IV. Conclusions and recommendations

78. **As stated by the Special Rapporteur on the occasion of the International Day for the Elimination of Racial Discrimination, 2010, "racism is alive and still plagues every society". Be it the member of an ethnic minority who is attacked or killed in the context of a conflict due to his or her minority status; the individual who is regularly and in a discriminatory manner subjected to stopping and searching, interrogations or arrests, solely because of his or her perceived religious or ethnic background; the migrant, the refugee or the asylum-seeker who faces daily discrimination due to his or her status as non-citizen; or the football player who is insulted because of his skin colour; all such instances unfortunately demonstrate that racism and xenophobia are not yesterday's problems, but that they remain an immense challenge for today.**

79. **Individuals and groups of individuals continue to have their lives affected by racism, racial discrimination, xenophobia and related intolerance. States therefore need to continue the struggle for equality and dignity for all people, everywhere. In that regard, and pursuant to the thematic issues addressed in the present report, the Special Rapporteur would like to make some general recommendations, as well as more specific ones relating to each of the themes addressed.**

80. **At the international level, the Special Rapporteur urges those States which have not yet done so to ratify the International Convention on the Elimination of Racial Discrimination, in order to demonstrate their commitment in the fight against racism, racial discrimination, xenophobia and related intolerance. Similarly, he calls upon States to take all necessary and appropriate measures to implement the Durban Declaration and Programme of Action, as well as the outcome document of the Durban Review Conference, which constitute the most comprehensive international framework in the fight against racism.**

81. **At the national level, the Special Rapporteur recommends that States adopt specific legislation on racism, racial discrimination, xenophobia and related intolerance. Such legislation clearly demonstrates States' political commitment in the fight against racism and allows for enhanced visibility and accessibility of the law, thereby enabling individuals to resort to the relevant provisions in an easier and more effective manner.**

82. **While legislative measures are necessary in order to prohibit and sanction acts of racial discrimination and xenophobia, the Special Rapporteur takes the**

view that legislative measures on their own are usually insufficient to prevent and combat the aforementioned phenomena effectively. He therefore recommends that States engage in broad efforts to combat negative stereotypes of, and discrimination against, individuals and groups, and to promote diversity. In that regard, he emphasizes the crucial role of education and a variety of awareness-raising measures which contribute to creating tolerant societies, where mutual understanding may be ensured.

Racism and conflict

83. As a result of the marginalization, discrimination and sometimes dehumanization they foster within societies, racism, racial discrimination, xenophobia and related intolerance are often among the root causes of conflicts. These scourges may trigger a conflict, exacerbate violence perpetrated against members of certain groups in a situation of conflict or may also reignite a conflict if not adequately addressed within the framework of a peace process.

84. To prevent the eruption of a conflict, it is of utmost importance to identify early warning signs to help recognize and acknowledge situations which might lead to conflict. In that regard, the Special Rapporteur recommends that all relevant stakeholders give due attention to and closely monitor the way in which the concept of national identity is debated within a given country, so that this concept may not be used as a tool to create artificial differences among some groups of the population. Owing to the fact that discriminatory socio-economic practices may, in the long term, contribute to the triggering of conflict, the Special Rapporteur recommends that States take all necessary measures to prevent, prohibit, sanction and offer compensation for socio-economic discriminatory practices targeting certain groups of individuals. He also recommends that measures be taken to address structural conditions, such as unmet human development needs, the socio-economic deprivation of some groups relative to others and the absence or weakness of the rule of law and democratic structures, which may foster the effectiveness of political manipulation of racist or nationalist ideology.

85. Other issues may also contribute to the triggering of conflict, and in that regard, the Special Rapporteur refers to the list of key indicators developed by the Committee on the Elimination of Racial Discrimination (see CERD/C/67/1) and to the analysis framework of the Special Adviser of the Secretary-General on the Prevention of Genocide,[13] which help to assess the existence of factors known to be important components of situations leading to conflict and genocide.

86. With regard to hate speech, which may become an effective tool to incite people to commit acts of violence in the context of a given conflict, the Special Rapporteur recommends that States fully comply with their international obligations, in particular with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the

[13] Available from http://www.un.org/preventgenocide/adviser/pdf/OSAPG%20AnalysisFramework ExternalVersion.pdf.

International Covenant on Civil and Political Rights, and recalls that such obligations remain applicable in times of conflict.

87. **To avoid the reigniting of a conflict, the Special Rapporteur recommends that human rights, including issues related to racism, racial discrimination, xenophobia and related intolerance, be systematically and fully integrated in all peace processes. In addition, he recommends that the impact on human rights of all measures taken in the framework of peace processes be thoroughly assessed. He also strongly encourages the participation of all stakeholders in peace processes to consolidate the often fragile peace existing in a post-conflict situation.**

88. **Since racism, racial discrimination, xenophobia and related intolerance may lead to genocide, war crimes, ethnic cleansing and crimes against humanity, the Special Rapporteur recalls that each individual State has the responsibility to protect its population from such occurrences. He also stresses that the responsibility to protect is an obligation of the international community, which has the duty to provide assistance to the State when requested or in cases where the State fails or refuses to protect its population.**

Incitement to racial or religious hatred

89. **The Special Rapporteur expresses concerns in regard to reports received on worldwide incidents related to issues raised in Human Rights Council resolution 13/16. Such reports appear to fall under five broad and non-exhaustive categories warranting different approaches under international human rights law, which provides sufficient tools to respond to all of them. The categories include acts of violence or discrimination, or incitement thereto, against individuals on the basis of their religion or belief; attacks on religious sites; religious and ethnic profiling; religious symbols; and negative stereotyping of religions, their followers and sacred persons.**

90. **Pursuant to Human Rights Council resolution 13/16 which requested that particular attention be given to the phenomenon of Islamophobia, the Special Rapporteur expresses serious concerns with regard to reported acts of violence or acts of discrimination targeting Muslim individuals. He takes the view that this phenomenon remains a serious issue in a variety of countries and that it needs to be addressed with greater resolve by States to prevent further discrimination and violence, and incitement thereto, and intolerance against Muslim individuals. Nonetheless, he emphasizes that all victims must receive the same attention and protection. It is therefore essential to avoid establishing any hierarchy among the different manifestations of discrimination, even if they may vary in nature and degree depending on the historical, geographical and cultural context. All forms of racism and discrimination must be addressed with the same emphasis and the same determination.**

91. **The Special Rapporteur strongly condemns all acts of violence or discrimination, or incitement thereto, against persons based on their religion or belief, as well as attacks on religious sites. He therefore calls upon States to take all necessary measures to implement relevant international human rights standards, which protect believers and places of worship.**

92. **While acknowledging that it is necessary for States to take measures to combat terrorism and that profiling is, in principle, a permissible means of law enforcement activity, the Special Rapporteur nonetheless calls upon States not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds.**

93. **The question of bans or restriction on religious symbols is a delicate one. As such, the Special Rapporteur takes the view that it is up to an independent and impartial judiciary to assess, on a case-by-case basis, the legality of those bans or restrictions and their impact on the human rights of all stakeholders.**

94. **With regard to the negative stereotyping of religious followers or sacred persons, the Special Rapporteur recalls that the right to freedom of expression may be restricted in order to protect, inter alia, the rights or reputations of others. However, the Special Rapporteur believes that a very high threshold should be met and that defamatory expressions targeting individuals must have been proven false before they warrant restrictions and sanctions thereon. With regard to negative stereotyping of religions, the Special Rapporteur recalls that vigorously interrogating and criticizing religious doctrines and their teachings is thoroughly legitimate and constitutes a significant part of the exercise of the right to freedom of opinion or expression. In that regard, he recommends that States refrain from adopting domestic blasphemy laws aiming to protect religions per se, which can prove counterproductive. He also recommends that States move away from the notion of defamation of religions towards the legal concept of advocacy of racial or religious hatred, in order to anchor the debate in the relevant existing international legal framework.**

Human rights challenges faced by migrants, refugees and asylum-seekers

95. **The Special Rapporteur expresses concern in respect of the deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion. In that regard, he notes the numerous human rights challenges, including racism and xenophobia, faced by migrants, refugees and asylum-seekers in the enjoyment of their civil, cultural, economic, political and social rights.**

96. **The Special Rapporteur strongly reaffirms that migrants, refugees and asylum-seekers, like any other human beings and regardless of their migration status, are entitled to have all their human rights protected by the State where they live without discrimination.**

97. **While recognizing the sovereign right of each State to formulate and apply its own legal framework and policies in the area of migration, the Special Rapporteur urges States to ensure that those policies are at all times consistent with applicable international human rights instruments, norms and standards, and that they are free from racism and xenophobia.**

98. **The Special Rapporteur recommends that States provide relevant training and information to migrants, refugees and asylum-seekers, so that they may be made aware of their rights and of the existing mechanisms which will guarantee their protection.**

99. **The Special Rapporteur also recommends that human rights training be provided to law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law when dealing with migrants, refugees and asylum-seekers.**

Collection of ethnically disaggregated data

100. **The collection of ethnically disaggregated data is an essential tool to identify the persons and groups affected by racial discrimination and to better understand the nature and extent of the inequalities they face. The Special Rapporteur therefore recommends that States collect ethnically disaggregated data in order to design appropriate anti-discrimination legislation and policies and monitor their effectiveness.**

101. **In doing so, the Special Rapporteur recommends that States abide by some key principles, including self-identification of individuals; the right to privacy guaranteeing the consent of the concerned individuals; and the involvement of all concerned groups of individuals in the design and implementation of the exercise.**

102. **In the context of legal proceedings relating to the commitment of discriminatory acts, the Special Rapporteur recommends that ethnically disaggregated data be used as evidence for proving the existence of racial discrimination.**

103. **The Special Rapporteur also recommends that adequate human and financial resources be provided to establish or strengthen national institutions, which collect, analyse and disseminate reliable ethnically disaggregated data.**

Racism and sports

104. **Underlining the potential of sport as a means to combat racism and discrimination, the Special Rapporteur recalls the recommendation of his predecessor (see A/HRC/4/19, para. 64) that States exercise particular vigilance with regard to the upsurge in racism in sport, particularly football.**

105. **He also recommends that States take advantage of mass sports events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination. Awareness-raising campaigns spreading the message of tolerance and understanding between communities may indeed be very effective in the context of sports events.**